



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

ELITE HEALTHCARE FORT WORTH

Respondent Name

AMERICAN HOME ASSURANCE CO

MFDR Tracking Number

M4-14-2442-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

APRIL 10, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "These denials are incorrect. Modifier was on ORIGINAL CLAIM when this was first submitted to the carrier. Patient had authorization for physical therapy. Our office has received payments before and after these dates of services for this patient. Office visits are recommended as determined to be medically necessary."

Amount in Dispute: \$379.70

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "We will submit a supplemental response upon completion of the pending review. The carrier will contact the provide to discuss resolution and withdrawal of the MDR once the bill processing has been finalized."

Response Submitted by: Gallagher Bassett Services, Inc.

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 15, 2014	CPT Code 99213-25 Office Visit	\$112.33	\$112.33
	CPT Code 97113-GP (X4) Physical Therapy	\$237.37	\$0.00
TOTAL		\$379.70	\$112.33

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.203 set out the fee guideline for the reimbursement of workers' compensation professional medical services provided on or after March 1, 2008.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 15, 150-Payer deems the information submitted does not support this level of service.

- W1-Workers compensation state fee schedule adjustment.
- 4-The procedure code is inconsistent with the modifier used or a required modifier is missing.
- 18-Duplicate claim/service.

Issues

1. Is the requestor entitled to reimbursement for CPT code 99213-25?
2. Is the requestor entitled to reimbursement for CPT code 97113-GP?

Findings

1. According to the explanation of benefits, the respondent denied reimbursement for code 99213-25 based upon reason code "4."

28 Texas Administrative Code §134.203(a)(5) states "Medicare payment policies" when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare."

CPT code 99213 is defined as "Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: An expanded problem focused history; An expanded problem focused examination; Medical decision making of low complexity. Counseling and coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of low to moderate severity. Typically, 15 minutes are spent face-to-face with the patient and/or family."

A review of the submitted office visit report supports the billed service; therefore, reimbursement is recommended.

Per 28 Texas Administrative Code §134.203(c)(1)(2), "To determine the MAR for professional services, system participants shall apply the Medicare payment policies with minimal modifications.

(1) For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$52.83. For Surgery when performed in a facility setting, the established conversion factor to be applied is \$66.32.

(2) The conversion factors listed in paragraph (1) of this subsection shall be the conversion factors for calendar year 2008. Subsequent year's conversion factors shall be determined by applying the annual percentage adjustment of the Medicare Economic Index (MEI) to the previous year's conversion factors, and shall be effective January 1st of the new calendar year. The following hypothetical example illustrates this annual adjustment activity if the Division had been using this MEI annual percentage adjustment: The 2006 Division conversion factor of \$50.83 (with the exception of surgery) would have been multiplied by the 2007 MEI annual percentage increase of 2.1 percent, resulting in the \$51.90 (with the exception of surgery) Division conversion factor in 2007."

To determine the MAR the following formula is used: (DWC Conversion Factor/Medicare Conversion Factor) X Participating Amount = Maximum Allowable Reimbursement (MAR).

The 2014 DWC conversion factor for this service is 55.75.

The Medicare Conversion Factor is 35.8228

Review of Box 32 on the CMS-1500 the services were rendered in zip code 761124, which is located in Fort Worth, Texas therefore, the Medicare participating amount is based on locality "Fort Worth, Texas".

The Medicare participating amount is \$72.18.

Using the above formula, the MAR is \$112.33. The respondent paid \$0.00. As a result, reimbursement of \$112.33 is recommended.

2. On the disputed date of service the requestor billed the following physical therapy codes 97140-GP, 97112-GP and 97113-GP. The respondent paid for CPT codes 97140-GP and 97112-GP and denied payment for 97113-GP based upon reason codes "15" and "150."

CPT code 97113 is defined as "Therapeutic procedure, 1 or more areas, each 15 minutes; aquatic therapy with therapeutic exercises." CPT 97113 requires direct (one-on-one) patient contact. Because CPT code 97113 is a timed procedure the report should reflect the time spent performing the therapeutic exercise. A review of the

submitted report does not document the direct one-on-one patient contact or the time; therefore, the respondent's denial based upon reason code "15" and "150" is supported. As a result, reimbursement is not recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$112.33.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$112.33 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	02/26/2015
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.